App. F. IX-4

Previous References

Law 121-28/42

1930-31
Law

File No. 1-30

Serial Nos. 26 & 27

Later References

Pleader
31/1/43

(35)

General and Revenue Secretariat.

Serial Nos. Two

Part B for May 1931.

SUBJECT.

Remuneration to Mr. C. Seshachariar
for the reduced Fenders in C.S. No. 2666/28.
on the file of the City Magistrate Bangalore.
(Mr. K.S. Kapur V.S. Mr. B. Narasimha Murthy)

---

27 7 Mr. B. Venkatesan
Asst Engineer
Sanction Rs. 5760-1-8 19.2.31.
Sanctions a Fee of Rs 125/- in this case

Pl. Seen
19.5.31

G. R. S. APP F. III—1] 1930.

GENERAL AND REVENUE SECRETARIAT.

(Law)

NOTES.

File No. 1-30

FILE HEADING.

Remuneration to Mr. C. Sshachar

FROM Mr. B. Nagappa

No. Dated 20.1.31 Received 21.1.31

Diary No. 3108	Enclos.	Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER.

States that the suit S.C. 306/29-30 filed by Mr. C. Sshachar for his fees was decreed for Rs 147 and odd and Solicits Sanction of Govt for a sum of Rs 166-5-0 to meet the bill of Mr. C. Sshachar together with other expenses incurred by him in Connection with the Case.

NOTES AND ORDERS.

Mr C. Sshachar had filed a suit (S.C. 306/29-30 on the file of the Small Cause Court against Mr B. Nagappa for his remuneration for the services rendered in Connection with ~~the~~ C.C. No. 266/29 (A.S. Raju vs B. Nagappa) It was decreed for Rs 147 and odd. Against this decree an appeal

NOTES—First Sheet.

WD 01683—GPB—5,000—3-5-29

General and Revenue Secretariat | File No. of 193 .

Serial No.

it is stated that a Civil revision petition was filed before the H. court and was admitted At the time of Hg the Chief justice intervened and the Case was Compromised It is pointed out that as pltf took out warrant immediately a Sum of Rs 153-5-0 was paid to the Court towards the decreed amount.

Flag 'A' Govt. had passed orders to engage a Counsel to defend Mr B Nagappa in the Cr Case filed by Mr. L-S. Rayu with clear instructions that the terms regarding the fees should be settled before Mr B. Nagappa has replied that he proposes to engage Mr C. Srinivasa on the same terms as are allowed to Govt. Ad viz Rs 25/- per day.

When Mr. C. Srinivasa presented a bill for Rs 125/- a Sum of Rs/- 65 was sanctioned by Govt Calculating Rs 25/- per day when the Case was actually Conducted and Rs/- 5. per day when it was merely adjourned. Hence he preferred a suit on the ground that the fees claimed by him is reasonable.

Mr C. Srinivasa has deposed that it was not true that he was engaged as a Govt. Ad. and further in the Cross Exam

Flag 'B'

NOTE—Contn Sheet.

WD 02553—G.P.B—50,000—8-7-30

he says that the defts did not tell him or make him understand that his fee would be met by the Govt and the defts did not tell him at any time that he had approached the Govt to bear the expenses. Flag 'C'

From this and also similar depositions made by Mr. C. Sshacha it seems clear that the fee was not settled ~~at~~ between the parties at the time of engagement ~~according to~~

Now Mr. B. Nagappa encloses a bill for Rs 166-5-0 and Solicitr. sanction for the same.

For orders.

ISD
·26/1

Govt in their letter of 2nd Jan 1929 permitted mr. B. Nagappa to engage his own lawyer for the purpose of defending him in the Criminal case of defamation filed by mr. K.S. Raja, and to get the terms of engagement approved by Govt. Accordingly mr Sshachar was engaged by him & his fee was fixed on the same scale as that to be paid to Govt Advocate under the rules, ie Rs 25/- per day when the case is heard & Rs 5/- when it is merely adjourned. When a bill for Rs 125/- at the rate of Rs 25/- per day was sent in by mr: Flag 'A'. Flag 'K'.

General and Revenue Secretariat | File No. of 193 .

Serial No.

Seshachar, irrespective of the fact whether the Case was heard or adjd:, Mr. Nafabha in forwarding it to Govt for sanction has recommended only Rs. 65/-, since the case was heard on 2 days & merely adjd. on the remaining 5 days - Accordingly Govt Sanctioned Rs. 65/- to be paid to Mr: Seshachar -

Reg 'U'

Reg 'Z'

On the ground that there was no such agreement as mentioned ~~at~~ above between Mr Nafabha & himself, Mr: Seshachar filed a Small Cause Suit against Mr. Nafabha for Rs 125/-. This suit was decreed & in the Civil Revn. Petn filed by Mr: Nafabha the case was compromised & Mr: Nafabha had to pay Rs. 166-5-0 including all costs etc. He now prays Govt to order payment of this amount - Apparently the payment of Rs 65/- Sanctioned already has not been drawn -

It is not clear on what principle, Govt have to bear the extra cost incurred on account of the Civil litigation between the parties - ~~This was~~ Govt have not known ~~sanctioned by~~ of this litigation till now nor have they agreed to bear the cost of defending this Suit or the C.R.P arising therefrom -

If this is left out of account, the only question remaining is whether Govt

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7-30

3605 5

File No. of 193 | General and Revenue Secretariat

may sanction a fee of Rs 125/- instead of Rs 65/- already sanctioned, I hold that a Civil court has held that Rs 125/- is the proper fee - But the judgment in the Small Cause case shows that this finding has been reached on account of the failure to prove the agreement as to the rate of fee fixed.

Submitted for orders.

Legal[illegible] BNR 27-1-31

Mr Nagappa has not shown in this letter how the cost of litigation of which Govt were not aware of for which they were not responsible should be borne by Govt.

Nor is it clear why the advocate's claim for a larger amount was not recommended to Govt by Mr Nagappa at the time.

If, independently of these considerations the Court's finding regarding the proper fee has to be accepted & acted upon, there is nothing to preclude the Govt from doing so

2nd Member TM 4/2

Dewan

OFFICE OF THE SECOND MEMBER OF COUNCIL 4 FEB. 1931 No. 7214

Mr Nagappa was authorised to engage a lawyer

6 3608

App. F. III—2]

General and Revenue Secretariat	File No.	of 192

Serial No.

DEV. 6394 FICE. 1931

after Mr. Sankaran left the terms: ~~he was~~ he repeated that he had engaged Mr. Seshachari's services at Rs 125 per ~~mensem~~ diem per ~~Rs~~ Counsel Rs 65 per day of hearing & Rs 35 per day of arg.t. His order was not officially communicated but Mr. Nagappa is sending up Mr. Seshachari's bill for Rs 125 ~~himself~~ but it does not Rs 65. This was agreed to.

The subsequent litigation was all due to Mr. Nagappa not settling his terms definitely with the lawyer & the Govt. cannot be responsible for his conduct.

Counsel has held that Rs 125 is not an excessive fee. I think this can be allowed

Ag.
5/2/31
D.M.
8/2

Mule
7(2/31
D.M.
9/2

OFFICE OF THE MEMBER OF COUNCIL
14 FEB. 1931
No. 7749

Draft G.O is put up for favour of approval & orders.
It may perhaps be perused by the Govt. Leg.l Dept before issue

Please put up a clean typed draft before

D.M.
10/2

Typed Draft put up

2nd Member through Secy issue

D.M.
10/2
D.M.
11/2

TSD 11/2 ~~29/8/1~~ Rc. 1755 13.2.31 13.2.31 D.M. 14/2

D 14/2/31 D 19/2/31

ote—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

Draft Govt. issued Secy to Govt. issue Mr 18/2

16.2.31 D.M. 17/2

3604

App. F. III—2]

General and Revenue Secretariat	File No. 7	of 193 .

Serial No.	

To

1) Mr. B. Nagappa.- Barr at Law

2) Comptroller thro' finl Secrt

S. no. P. 5140-1 Law 1-30-27 sanctioning a sum of Rs 125 to Street Mr C. Sekachars bill towards the remuneration for the services rendered in C.C. no 266 of 26-29 on the file of the City Magte Bangalore (Mr. L.S. Raju vs B. Nagappa)

B

ISD
25/2

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

3.608 P 30

Sri Rama Vilas
31 North Public Square
Basavangudi
Bangalore
20. 1. 1931

To
P. Mahadevayya Esq B.A. B.L.
Legal Remembrancer &
Secretary to Govt
Law Dept
Bangalore

Law
2189
21/1/31

Dear Sir

I forward herewith the Judgment & decree & the evidence in S. C. 306 of 1929-30 filed by Sri C. Seshachar against me for his fees in connection with the complaint made vide 500 P.C. filed by Sri L. C. Rajiv against me.

The Govt. Law passed orders to engage a Counsel to defend me & passed a Bill for Rs 65 only for the fees Sri C. Seshachar refused to accept & the said filed a Suit for the recovery of Rs 125. The Suit was contested by me on the ground that he was entitled

to claim Rs 25 per day on those days when the criminal case was adjourned

The Lower court passed a decree for Rs 147 + odd

Against this decree, a civil Revision Petition was filed before the High Court. This petition was admitted & at the time of hearing, the Chief Justice intervened & the case had to be Compromised.

As the Plaintiff took out ~~execution~~ warrant immediately, I paid the decretal amount by Rs 153-5-0 into Court & took the matter before the High Court with the result that the C. Corporation had to refund Rs 25/-.

I herewith send the Bill of Costs incurred by me in the suit.

May I request you to order payment of the sum of Rs 166-5-0 as per the bill of costs

Yours sincerely
B. Nagappa

In the Chief Court of Mysore;

C.R.P. 244 of 29-30.

Petr.(dft.)- Mr. B. Nagappa, Ex. Legal Remembrancer and Law Secretary to the Govt. of Mysore, residing in Basavanagudi, Bangalore City.

vs.

Oppt.(ptf.)- Mr. C. Seshachar, Advocate, residing at 4th main Road. Chamarajpet, Bangalore City.

Under S. 10 of the Small Courts Regulation.

The petr. above-named prays that this Hon'ble Court may be pleased to call for the record in S.C. 306 of 29-30 of the Court of Small Causes, Bangalore, and revise and set aside the judgment passed therein for the following reasons:-

1. The Lower Court erred in holding that the sum of 65 preferred by the dft. on the basis of Rs 25 per trial hearing and Rs 5 per adjourned hearing, was not a reasonable fee.

(i) The Lower Court erred in accepting as a proper standard the fees that Govt. were paying to ptr., and in faling to notice (a) that Govt. does not stoop to bargaining in the matter of counsel's fees unless same are exorbitant and (b) that the particular cases were of a special nature in each of which a large number of accused and a large number of witnesses were involved.

(ii) The Lower Court erred in not taking note of the fact (as duly submitted by dft's counsel) that the lawyer's fee prescribed for an adjournment in the Lower Civil Courts is Rs 4 for a Munsiff's Court and Rs 10 for a Sub Court and that so far as a mere adjournment is concerned it is immaterial whether the pleader's atten-

dence is a Civil Court or a Criminal Court.

2. The Lower Court erred in passing decree for (i) Rs 65 and (ii) for the costs thereon, and in failing to notice that though ptf. might not be bound as a matter of strict law to accept any method of payment other than cash or currency notes, his conduct in not doing what he was admittedly doing in the matter of drawing the fees due to him from Govt., viz., submitting bills countersigned by the presiding officer of the Court, and in thereby throwing a difficult burden on the dft. who was not entitled directly to draw the amount is most unreasonable.

Adv. for petr.

6-2-1930.

In The Court of Small Causes at Bangalore

Bangalore dated 26th November 1929

Present S. R. Ramaswamy Aiyar Esq; B.A,B.L.
Judge.

Small Cause suit No: 306 of 29-30.

Plaintiff mr. C. Sesharchar

vs

Defendant mr. B. Nagappa

judgment

1. The suit is for Rs 125/-

2. The plaintiff is an Advocate of the chief court of Mysore. He was engaged by the defendant to defend him, in criminal case 266 of 1928-29 on the file of the city magistrate Bangalore a case of defamation filed against the defendant the plaintiff is said to have appeared for the defendants in the criminal case, on five hearing dates and he claims Rs 125/- as his remuneration for 5 days at Rs 25/- per day It is stated in the plaint that when the plaintiff sent his bill for Rs 125/- the defendant sent a Government

order sanctioning Rs. 65/- and a covering letter stating that the plaintiff was entitled to Rs 65/- only being made up of Rs 50/- for the two days when the criminal case was heard and Rs 15/- for three days when the case was adjourned without any hearing. The plaintiff is said to have again written to the defendant demanding payment of the full amount claimed and to have sent a registered letter also in the matter Not having received any reply or money this suit has been filed

3 The defendants contention and plea is briefly as follow The defendant having become subject to the Criminal Com -plaint while transacting business as a Government servant, the Government had undertaken to bear the Cost of the defence and the plaintiff was engaged on the clear understanding that Govern- -ment would pay plaintiff at the same rate as the Government Advocate was paid by Government

under the rules for conduct of Government legal affairs namely at Rs 25/- per hearing for days when the Case went on and Rs 5/- per hearing for days when the case was merely adjourned the plaintiff was handed over the Government order sanctioning Rs 65/- the plaintiff should have realised the Rs 65/- if he had presented the bill to the Treasury Counter signed by the Magistrate the defendant offered to get the bill sanctioned and cashed for Rs 65/- if the plaintiff returned the Government order but the plaintiff took no notice of the offer. the plaintiff has thus no Cause of action to the extent of Rs 65/- the said sum is a very fair and reasonable fee considering that the case involved labour worth mentioning only on one hearing.

4. The plaintiff in reply denies the allegations in para,, of the written statement and avers

that there was no privity of contract between him and the Government; and that the defendant was duly informed of the same.

5. The defendant filed a rejoinder stating that he would undertake to have the bill passed and cashed for Rs 65/- should the plaintiff return the Government order to the defendant.

6. The points for determination in this suit are (1) whether the plaintiff was engaged on the understanding that he would be paid for by the Government and at the rate set out in the written statement and (2) whether the sum claimed by the plaintiff as his fee is reasonable or not.

7. The plaintiff is the only witness examined in the case. He answers in cross examination that the defendant did not tell ~~him~~ or make me understand that my fee would be met by the Government the defendant

did not tell me at any time that he had approached the Government to bear my expenses. It has further been elicited in the cross examination of the plaintiff that he had been engaged by Government in prosecuting certain criminal cases and that his fee has been fixed at Rs 50/- per hearing and Rs 25/- per adjournment without hearing.

8. There is nothing to show that the above answers are not true no evidence has been adduced to contradict the above evidence of the plaintiff or to support the pleas raised.

9. The answers elicited go to show that the fee claimed is very reasonable being much less than what the plaintiff gets in Government cases.

10. There is nothing to show that there was any privity of Contract between the plaintiff

distinguishing letter or number	description of documents	date of admission	Remarks.
1	2	3	4
Exhibit 'D'	letter dated 10-1-29 written by defendant to plaintiff.	7-11-29.	
'E'	letter dated 20-1-29 from defendant to plaintiff.	-do-	
'H'	Acknowledgment of defendant for having received plaintiff letter dated 24-6-29.		
'G'	Reply letter dated 24 6 29 from defendant to plaintiff to Exhibit H.		
H	Government proceedings and order no P. 7242-3 (1) Law 121 - 28-2 dated 31-5-29		
'J'	Receipt claiming the amount by plaintiff in state Huzur Treasury	-do-	
'K'	Notice dated 10-9-29 from plaintiff to defendant.	-do-	

Initialled/ S. R. R. Judge.

~~pfs costs Rs. 22-14-0 : defs costs 7-6-0.~~

TWO ANNAS

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C.R. 660

29.30.

Decree Section 34, C. P. Code Form No. 15 (civil). In the court of Small Causes at Bangalore. Small Cause Suit No. 306 of 1929-1930.

Plaintiff:- C. Seshachar Son of C. Venkatachar Advocate Residing at IV th Main Road Chamaraj Pet Bangalore city. - V.S. - Defendant B. Nagappa Son of B. Marappa Ex Legal Remembrancer and Law Secretary to the Government of Mysore Residing in Basavana Gudi Bangalore city. Claim for the recovery of Rs. 125-0-0 being the fees for professional Service rendered to the defendant. The Suit was filed on 24-7-29 This Suit coming

SMALL CAUSE COURT, BANGALORE

TWO ANNAS

MYSORE

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on for final disposal before S.R. Ramaswami Aiyar, Esqr., B.A., B.L., Judge in the presence of Mr. D. Shama Rao Advocate for the plaintiff and Mr. C. Lakshmana Gowda Advocate for the defendant. It is ordered and decreed that the defendant do pay to the plaintiff the Sum of Rs. 125-0-0 with Court Costs and current interest at Six per cent. per annum from date of Suit to date of payment. And it is further ordered and decreed that the defendant do pay to the plaintiff the Sum of rupees (22-14-0) being the amount of Costs incurred

SMALL CAUSE COURT, BANGALORE

TWO ANNAS

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in this Suit, as by memorandum annexed with interest thereon at six per cent per annum from this date unto the date of realization Given under my hand and the Seal of the Court, this 26th day of November 1929. Signed S.R. Ramaswami Aiyar Judge.

Memorandum of Costs incurred in this Suit.

	By the plaintiff	By the defendant
Court fee on Plaint	13-0-0	0-0-0.
" Power of attorney	0-8-0	0-8-0.
" Exhibits	0-8-0	0-0-0.
Service of Processes	1-14-0	0-10-0.
Subsistence for witnesses	0-0-0	0-0-0.

SMALL CAUSE COURT, BANGALORE

TWO ANNAS

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Commissioners fee	0-0-0	0-0-0.
Application	0-12-0	0-0-0
Cost of adjournment	0-0-0	0-0-0
Fees for copying translating, etc	0-0-0	0-0-0.
Pleaders' fee	6-4-0	6-4-0
Total Rupees	22-14-0	7-6-0

Amount payable by the defendant to the plaintiff is Rs. 147-14-0 only.

Initialled /- S. R. R. Judge

"True Copy"

Shirastadar

SMALL CAUSE COURT, BANGALORE.

Mr. G. R. Bhashyakarla Naidu Pleader for defendant.

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
28-11-29	7-12-29			

Copy ready on the	Copy delivered on the	Copied by	Examined by
6-12-29	6.12.29	S. Srikantiah	N. Narasimhiah

Applicant produced 12 sheets on 28-11-29

Called for 4 addl sheets on 29-11-29.

To produce by ——— 7-12-29.

Supplied 4 sheets on ——— 5-12-29

No of words 315.

	142-14-0
2	4—0
1	0-12-0
C.J	1-14-0
N.L	0-10-0
	153-2-0

TWO ANNAS

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CR 757
29-30
16 15 pages

In the Court of Small Causes at Bangalore

Small Cause Suit Number 306 of 1929
1930

plaintiff Mr C. Seshachar

V.S

Defendant Mr B Nagappa

Memorandum of the evidence of witness
Number 1 for plaintiff taken this
day of 7-11-29 witness' age appears
to be about my name is Mr C. Seshachar
plaintiff
duly Sworn I have been practising at
the Bar for 30 years. The defendant
engaged my Services to defend him
in a ~~Criminal~~ case of defamation filed
by Mr L. S. Raju Advocate, in Criminal
Case Number 266 on the bile
1928-1929
of the City magistrate Bangalore
I bile Exhibit A the letter Sent
4-1-29
to me by the defendant asking
me to see him as he wished

SMALL CAUSE COURT, BANGALORE

TWO ANNAS

GOVERNMENT OF MYSORE

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to speak to me on an important professional matter (Note Exhibit A produced and filed) to day: production of Exhibit A objected to on the other side, as the same was not produced in time. Delay condoned and Exhibit A admitted) I saw the defendant the same evening and was with him for about 2½ hours. The defendant gave me a brief report of the case and he wanted me to prepare an application to be filed in Court praying for exemption from personal attendance in Court. The hearing was for the next day 5-1-29. I saw the defendant the next morning with a draft

SMALL CAUSE COURT BANGALORE

TWO ANNAS
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GOVERNMENT OF MYSORE

application. the defendant Corrected the draft. and then a fair Copy was prepared then alone and the defendant signed the same (further Examination adjourned for 1/2 hour as prayed for) witness recalled and duly Sworn: further Examination in Chief. Exhibit B is the fair Copy application which was signed by the defendant and the same was presented in Court on 5-1-29, along with a vakalath. The City magistrate received the vakalath and returned Exhibit B to me observing that the language therein was in a dictorial tone. I file Exhibit C, Copy of the Order Sheets in Criminal

SMALL CAUSE COURT BANGALORE

TWO ANNAS
GOVT OF MYSORE
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Case number 266 to show the
28-29
nature and quantity of work I
did in that Case. On 7-1-29
I wrote a letter to the defendant
intimating him as to what
all took place in Court on 5-1-29
and also sending him a draft
of another application. The defendant
wanted me to go to him on the
evening of 7-1-29. I sent word
that I would meet the defendant
on the morning of 8-1-29 at
8.30 a.m. On 8-1-29 owing to
other work I did not go to
the defendant: ~~as~~ So I wrote
to the defendant intimating the
same and asking him to send
me in writing any instructions

STAMP DUTY GAUGE
BANGALORE

TWO ANNAS

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GOVT. OF MYSORE

an adjournment On 15-1-29 I wrote to the defendant enquiring whether the matter should be taken in Revision I got no reply to that. But on 20-1-29 I got the note Exhibit E: asking me to go and see the defendant. I saw the defendant on 20-1-29 and was with him for an hour On 20-1-29 the defendant gave me instructions to proceed with the Case the next day 21-1-29 in the magistrate's Court. On 21-1-29 a Compromise was brought about between the accused and the complainant. I wrote a letter. the defendant signed the letter. The Complainant accepted the letter and the Same was presented

SMALL CAUSE COURT. BANG

Judge

TWO ANNAS
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GOVT OF MYSORE

and filed in Court. On 21-1-29, it took 3 to 4 hours to bring about and make the parties accept the Compromise On. 5-1-29 I asked the defendant what he would pay me for my professional services. he spoke to me about his private affairs; and asked me to be reasonable as to Claiming my fees, as the Case might drag on for some length of time. I promised I would be reasonable. After the Compromise on 21-1-29, the defendant did not give me any fees. did not offer me any fees. A week after 21-1-29 I met the defendant accidentally near the Mysore Bank

SMALL CAUSE COURT, BANGALORE

TWO ANNAS
GOVT OF MYSORE
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and told him that I would give my bill The defendant replied that I must keep to my promise of being reasonable and asked me to send the bill two months later as he was then short of funds. On 25-4-29 I sent my bill for Rs 125/-, at Rs 25/- a day, for five days along with a Covering letter. I got no reply for a month Then I sent two reminders On 24-6-29, I wrote a letter to the defendant about my bill Exhibit F is the acknowledgment for the letter. Then I got the reply Exhibit G 24-6-29 enclosing therein Exhibit H the Government proceedings and order. On 3-7-29 I wrote

SMALL CAUSE COURT BANGALORE

TWO ANNAS
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GOVERNMENT OF MYSORE

a letter to the defendant declining to accept Rs 65/- as my fees and claiming Rs 125/- as fees. It is mentioned in Exhibit G that the terms on which I was engaged were those on which the Government Advocate was usually engaged: it is not true that I was so engaged. The Criminal Case was argued on two days and not on only one day as is mentioned in Exhibit G. Not getting a reply to the letter of 3-7-29. I sent another on 8-7-29. Between 3-7-29, and 8-7-29 as advised by some friends, that I might receive the Rs 65/- sanctioned in Exhibit H, and claim the balance afterwards. I presented Exhibit H

SMALL CAUSE COURT
BANGALORE

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GOVERNMENT OF MYSORE

with a receipt for the money, to the State Heezur Treasury: But I was declined payment on the Score that I must produce some authority for Claiming the amount Exhibit g is the receipt Then I sent a registered notice to the defendant, intimating that the Treasury declined payment: and demanding the Fees Exhibit K is the notice. On 17-7-29 10-7-29 the defendant Came to my office we Could not Come to any amicable settlement: So this suit was filed. I say the sum of Rs 125/- Claimed by me is a very reasonable one / Cross Examination reserved as prayed for by Mr C. Lakshmana Gowda

SMALL CAUSE COURT BANGALORE

Initialled S.R.R. 7-11-29.

TWO ANNAS

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MYSORE

witness recalled and duly sworn.

19-11-29 Cross Examination. The defendant did not tell me or make me understand that my fees would be met by the Government. The defendant did not tell me at any time that he had approached the Government to bear the expenses I was engaged by Government in some Criminal Cases and whenever I claim the fees, I file the bill, Counter Signed by the magistrate to Certify to my attendance. In the case of the defendant's Criminal Case, no such procedure was adopted as it was a matter between me and the defendant and as I was not engaged by

SMALL CAUSE COURT BANGALORE

TWO ANNAS

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MYSORE

the Gavernment. I-am aware of the Gavernment Rules that fix remuneration to lawyers engaged by Gavernment On 21-1-29 the Case was not tried. I-am practising in Civil Courts also. question Can yau say with reference to the number of hearings that have taken place in the Cases that yau appeared - both Civil and Criminal from the beginning of this year and the fees earned by yau in respect of Court-work what the average fee earned per hearing was? Answer I regret I am unable to understand the Question and I-am not able to give any answer as I have not prepared

SMALL CAUSE COURT, BANGALORE.

TWO ANNAS

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GOVT OF MYSORE

any Statistics in the matter I had no mis-giving when I wrote Exhibit K that I had overcharged the fees I see the para 6, and the last sentence therein, in Exhibit K. I wrote that sentence not because that I had any misgiving that I had overcharged my fees. but I wrote that sentence because I had to send the letter by Registered post to a gentleman like the defendant: Re Examination. In Government Criminal Cases I was paid Rs 50/- per hearing. (Mr C Lakshamana gowda objects to this as a new point: noted) Question: What would you have done if the Government

10-7-29

SMALL CAUSE COURT, BANGALORE.

TWO ANNAS

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MYSORE

had asked you to depose the defendant in the Criminal Case Answer I would have put my own terms (Question and answer objected to by Mr C. Lakshmana Gowda as not arising in Re Examination) Further Cross Examination by Mr C. Lakshmana Gowda In the sedition Case I was paid by the Government at Rs 50/- per hearing. There was no previous agreement as regards fees. I am now in Charge of 3 disturbance Criminal Cases Government Cases : in these there was previous agreement : my fees was fixed at Rs 50/- per hearing and at Rs 25/- per adjournment

SMALL CAUSE COURT BANGALORE

TWO ANNAS

GOVERNMENT OF MYSORE

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without hearing. The prosecution has cited about 7:16 and 48 witnesses in the 3 disturbance Cases. In the sedition Case 8 witnesses were Examined for the prosecution, by the Government Advocate. I do not remember how many witnesses were Cited for the prosecution in the defamation Case against the defendant / No Re Examination

Initialed / S.R.R: Mags.

19-11-29

" The Copy "

O Rajaseeb
19/11
Sheristadar

SMALL CAUSE COURT BANGALORE

Mr N. V. Narayana moving Advocate for Defendant

Copy applied for on the	Applicant told to appear on the	Applicant appeared on the	Copying stopped for want of copying sheets on the	Additional copying sheets supplied on the
10-12-29	19-12-29 / 20-	19-12-29	—	—

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19/12/29 Evening	19.12.29	V. N. Rangaswamy Iyengar	Sri. Krishnamurthy.

Caused for 16 sheets 12-12-29

To proceed on 17-12-29 Chief Court.

Proceed 17-12-29

words 1338

Proceedings of the Government of H.H.
the Maharaja of Mysore.

Law 1-30-27

Read:-

G.O.No.P. 7242-3/Law 121-28-2 dated 5th June 1929 sanctioning a fee of Rs. 65/- only to Mr. C.Seshachar, Advocate, Bangalore for services rendered in C.C.No. 266 of 28-29 on the file of the City Magistrate Bangalore -- (Mr. L.S.Raju Vs Mr. B.Nagappa).

2. Letter dated 20th January from Mr. B. Nagappa Retired Legal Remembrancer and Secretary to Government, forwarding copies of judgment, decree and the evidence in S.C.306 of 29-30, on the file of the Court of Small Causes Bangalore, a suit filed by Mr. C.Seshachar -- against Mr. B.Nagappa for recovery of a fee of Rs. 125/- for services rendered in the case referred to in the G.O. read above and requesting payment of a sum of Rs. 166-5-0 being the actual expenses incurred by him as per bill of costs enclosed.

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ORDER No. P. 5740 - 1 Law

Dated, 19 February 1931.

Mr. Nagappa was authorised to engage a lawyer after obtaining sanction of Government to the terms. He reported that he had engaged Mr. Seshachar's services at Rs. 25/- per diem. Government were agreeable to pay Rs. 25/- per day of hearing and Rs. 5/- per day of adjournment. This order was not officially communicated but Mr. Nagappa in sending up Mr.Seshachar's bill for Rs. 125/- himself cut it down

Yes/8/2

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d--

Government Order No.F.7242-3/Law 121-26-2 dated 5th June 1929 sanctioning a fee of Rs.65/- only to Mr.C. Seshachar, Advocate, Bangalore for services rendered in C.C. No. 868 of 28-29 on the file of the City Magistrate, Bangalore Mr. L.S. Raju / Mr.B.Nagappa.

2. Letter dated 20th January from Mr.B.Nagappa Retired Legal Remembrancer and Secretary to Government, forwarding copies of Judgment, decree and the evidence in S.C.306 of 29-30 on the file of the Court of Small Causes Bangalore, a suit filed by Mr.C.Seshachar against Mr.B.Nagappa for recovery of a fee of Rs.125/- for services rendered in the case referred to in the Government Order read above and requesting payment of a sum of Rs.166-5-0 being the actual expenses incurred by him as per bill of costs enclosed.

Order,No.

Dated, Bangalore February 1931.

Mr.B.Nagappa was authorised to engage a lawyer after obtaining sanction of Government to the terms. He reported that he had engaged Mr.Seshachar's services at Rs.25/- per diem. Government were agreeable to pay Rs.25/- per day of hearing and Rs.5/- per day of adjournment. This order was not officially communicated but Mr.Nagappa in sending up Mr.Seshachar's bill for Rs.125/- himself cut it down to Rs.65/- which was duly sanctioned by Government in the order read above.

2. The subsequent litigation was all due to Mr. Nagappa not settling his terms definitely with the lawyer and Government cannot therefore be responsible for costs incurred thereby.

3. It is however held by the Court that Rs.125 claimed by Mr. Seshachar is not an excessive fee and Government are --

therefore as a special case, pleased to sanction payment of a fee of Rs.125/- in modification of the Government Order read above Since Mr.Nagappa is reported to have paid this amount already to Mr.Seshachar, the amount now sanctioned may be drawn by Mr. B.Nagappa himself.

4. The charge is to be debited to 18-2 Courts of Law Fees to Advocates etc. to be supplemented in due course by an additional grant, pending which, the Comptroller is requested to arrange for payment of the bill.

N. Sammegar

For Secretary to Government,

Law Department.

TSD

To

Mr B.Nagappa, Esq.,Bar-at-law,
with the bill.
The Comptroller to Government through Financial Sectt